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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,701

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Frank Cornelis Penning

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01/11/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT

PAPER NUMBER

2116

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/540,701

Applicant(s)

PENNING ET AL.

Examiner

Abdelmoniem Elamin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klaassen et al, US. Pat. No. 6,622,252 (*cited in the previous office action*).

3. Claims 1, 8-9, 12, Klaassen teaches portable device [*portable computer device 50 of Fig. 5*] comprising;

a data storage [*hard disk drive 53 of Fig. 5*] comprising;

an accessing means for accessing a record carrier for reading data from or recording data to said record carrier [*Fig. 5 and related disclosure*], and

a switching means for switching said accessing means between at least two accessing modes having different data rates [*increasing the speed and data transfer rate of the storage device or reducing the speed and data transfer rate of the storage device, see abstract and col. 2, lines 32-40*] depending on the power mode of the recording apparatus [*depending on whether the storage device is powered by the external power source or the battery*], wherein said accessing means are switched into a first accessing mode having a lower data rate than a second accessing mode when the recording apparatus is in a low power mode [*col. 2, lines 32-40*] in response to a user command of a user of the recording apparatus [*Klaassen teaches, in Fig. 5, a mechanical switch which is activated by the body of the external power plug when it is inserted (by he user)*]

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*into the power inlet 52 of the portable computer 50, indicates to the controller 54 whether the external power source 52 or the internal battery 51 is supplying power].*

a data interface for transmitting and receiving data [Fig. 5],

a battery unit for internal supply in a first power supply mode [battery 51 of Fig. 5],

a power interface for connecting to a an external power supply unit for external power supply in a second power supply mode [element 52 of Fig. 5].

Klaassen fails to teach the disk drive is an optical disk drive.

However, Examiner asserts that optical disk drives are well known in the art. These types of limitations are considered field of use, and are not patentably distinct.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to use the system of Klaassen in an optical disk drive, because it reduces the power consumption of the disk drive [see Klaassen, col. 2, lines 25-31].

4. Claim 2, Klaassen teaches said switching means are adapted for detecting the power mode of the recording apparatus from the power supplied [col. 6, line 63 thru col. 7, line 2].

5. Claim 4, Klaassen teaches said switching means are adapted for receiving and evaluating information identifying the power mode of the recording apparatus [col. 6, line 63 thru col. 7, line 6].

6. Claim 5, Klaassen teaches said information is received from an external device, in particular including a command to instruct said switching means to switch between into one of said accessing modes depending on the power mode of the external device [abstract].

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7. Claim 6, Klaassen teaches said switching means are adapted for switching said accessing means into said first accessing mode when the recording apparatus is in a battery power supply mode [*col. 2, lines 32-40*].

8. Claim 7, Klaassen teaches said switching means are adapted for switching said accessing means into said second accessing mode when the recording apparatus is in mains power supply mode [*col. 2, lines 32-40*].

9. Claim 11, Klaassen teaches said portable device is a telephone, in particular a mobile phone or a cordless phone, a palmtop computer, a laptop, a digital camera or a camcorder [*laptop 50 of Fig. 5*].

10. Claims 13-15, Klaassen teaches the optical recording apparatus is attached to the portable device, the optical recording apparatus receiving a signal from the portable device, the signal including an identifier indicating whether a high power mode (when power is provided from an external power source) and the low power mode are available (when power is provided from an internal battery) [*Fig. 5, col. 6, line 63 thru col. 7, line 6*].

11. Claims 3, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klaassen et al, US. Pat. No. 6,622,252 in view of Pione, US. Pat. No. 6,353,894 (*both cited in the previous office action*).

12. Claims 3, 16, Klaassen fails to teach teaches said switching means are adapted for switching said accessing means into said first accessing mode when the power supplied is below a predetermined value.

Pione teaches a switching means for switching an accessing means between a first and a second accessing modes when power supplied is below a predetermined value [*see Fig. 5 and related disclosure*].

It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Klaassen to include said switching means are adapted for switching said accessing means into said first accessing mode when the power supplied is below a predetermined value, because it enhances the system.

#### ***Response to Arguments***

13. Applicant's arguments filed on 5/31/2006 have been fully considered but they are not deemed to be persuasive for the following reasons:

#### **In the remarks, the applicant argues as follows:**

“the cited sections of Pione and Klaassen do not teach or suggest the present invention as recited in claim 3, and similarly recited in claim 16, ..” [*see pages 14-15, REMARKS*].

#### **8. The examiner responses as follows:**

Pione teaches when the microcontroller receives a command from the host computer 70, it determines whether there is sufficient power to properly execute the command, i.e., it determines whether the available power is greater or less than the required power to execute the command. Pione stores in ROM 85 of Fig. 2 a look-up table of various commands and the power levels required to perform them (typically a predetermined value), see Fig. 4, col. 4, line 56 thru col. 5, line 27.

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14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

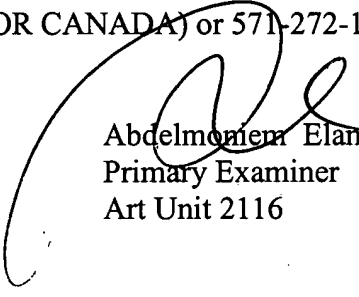
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Abdelmoniem Elamin  
Primary Examiner  
Art Unit 2116

January 8, 2007